

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANDRE D. SCOTT,
Petitioner,

v.

R.T.C. GROUNDS,
Respondent.

Case No. [13-cv-04714-WHO](#) (PR)

**ORDER DENYING PETITIONER'S
MOTIONS FOR SANCTIONS, THE
APPOINTMENT OF COUNSEL,
AND AN EVIDENTIARY HEARING**

Petitioner Andre Scott moved for sanctions for what he sees as respondent's tardiness in meeting the Court's deadlines. (Docket No. 10). The record shows, however, that respondent had asked for and was granted extensions for good cause. The last extension allowed respondent to file his response to the petition on or before September 15, 2014, a filing requirement respondent duly fulfilled. Because respondent filed within the deadlines imposed by the Court, there is no basis for issuing sanctions and Scott's motion is DENIED.

Scott's motion for an evidentiary hearing is DENIED as premature. After the Court reviews the merits of the petition, it will decide whether such a hearing is warranted.

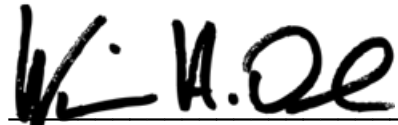
Scott's motion for the appointment of counsel is DENIED without prejudice. 18 U.S.C. § 3006A(a)(2)(B) authorizes a district court to appoint counsel to represent a habeas petitioner whenever "the court determines that the interests of justice so require"

1 and such person is financially unable to obtain representation. But there is no right to
2 counsel in habeas corpus actions. *See Knaubert v. Goldsmith*, 791 F.2d 722, 728 (9th Cir.
3 1986). The decision to appoint counsel is within the discretion of the district court, *see*
4 *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986), and should be granted only when
5 exceptional circumstances are present. *See generally* 1 J. Liebman & R. Hertz, *Federal*
6 *Habeas Corpus Practice and Procedure* § 12.3b at 383-86 (2d ed. 1994). Scott has not
7 shown that there are exceptional circumstances warranting the appointment of counsel.
8 When the record is more fully developed, the Court will consider on its own motion
9 whether the appointment of counsel is warranted.

10 The Clerk shall terminate Docket No. 10.

11 **IT IS SO ORDERED.**

12 **Dated:** March 9, 2015

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14 WILLIAM H. ORRICK
15 United States District Judge
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